

## 8.11.14 Conservation Commission Minutes

### Minutes of the Taunton Conservation Commission August 11, 2014

Present: Chair Steven Turner, Vice Chair Debra Botellio, Commissioners Luis Freitas, Renwick Chapman, Marla Isaac, and Neil Kelly. Commissioner Ernest Enos was absent.

Motion to approve the minutes of the July meeting, DB, second NK, so voted. ST and MI voted present.

#### Certificate Of Compliance

**1. West Water Street, COT/DPW, (COC), SE73-2532** Field report states that this project was for the installation of a double frame and grate at a roadway low point over an existing 8 inch ductile iron roadway culvert for the purpose of alleviating chronic roadway flooding. The work was done under an Emergency Certification in November, 2013. The work involved some temporary disturbance to the adjacent wetland and was loamed and seeded with the appropriate seed mix. A section of the ductile iron culvert was cut and a cast iron double frame and grate was placed over one course of concrete masonry blocks. The roadway was returned to existing grade. The culvert was not replaced and therefore does not violate the Massachusetts River and Stream Crossing Standards. The work has been completed in significant compliance to the Order of Conditions issued on 2-14-13. MR recommends that the TCC issue a COC for this project. Motion to approve, RC, second MI, so voted.

**2. 5 Claffy Street, Baird, (COC), SE73-2528** Field report states that this project was for the construction of a single family home with deck, garage, driveway, utilities, and associated grading within the 100 foot buffer zone of a BVW. All work has been completed in significant compliance to the order of conditions issued on 1-16-13. In addition to the proposed work, a stockade fence was erected along the south and west property lines and a chainlink fence is erected along the top of the edge to the north, just to the south of the landscaped area. A riprap pad is at the end of the road to diminish the speed of the storm water flow during rain events. MR recommends that the TCC issue a COC for this project. Motion to approve, NK, second DB, so voted.

Motion to go out of order to hear Continued Public Hearings: Hopewell Street, DB, second MI, so voted.

#### Continued Public Hearing

**1. Hopewell Street, COT/PC&PG, (NOI), SE73-2582** Field report states that this project is for the proposed installation of a complete Vortex Splash Pad located at Hopewell Park. The park abuts the Mill River along the west side of the property. The entire project falls within the 200 foot Riverfront Area, with the Splash Pad within the outer Riparian Area. On Wednesday, August 6<sup>th</sup>, three test pits were dug and perc tests were conducted. The design for the Splash Pad was revised, with the proposed shade structure in the south, and with the water main connecting in the south rather than to the north of the pool area. Calculations show that the increase in peak flows from the splash pad will be .42cfs for the 2-year, .49cfs for the 5-year, and .53cfs for the 10-year storm events. The perc tests were conducted at pits 1 and 2. The rate at pit 1 was 25 minutes and at pit 2, 11 minutes. The construction of the Splash Pad will not significantly increase runoff in the area, therefore, MR recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. Mark Slusarz the City Engineer was present. The pad was rotated 180 degrees on the south side. Water feed will run from south along stone dust path and will be graded. An oversized trench of crushed stone will be put in to help with overflow. There's an enormous area where it all drains that is more than able to handle it all. RC said all his concerns were answered. RC did ask if the erosion control needed to be 120 feet from construction or could it be moved closer? It can come closer, he recommends it be moved to 25 feet from the construction limits. Motion to approve with conditions 1, 2, 3, 4, 5, 19, 21, 25, 26, & 27, and move erosion control to be within 25ft of the construction limits, DB, second MI, so voted. Motion to close, DB, second RC, so voted.

Motion to revert back to the regular order of business, DB, second MI, so voted.

**3. 60 Bluegrass Circle, Big Red Properties LLC, (COC), SE73-2531** Field report states that this project was for the construction of a single family home with utilities, grading, and landscaping. All work has been completed in significant compliance to the order of conditions issued on 2-13-13. The deck is 15' x 15' rather than 10' x 12', and a paver patio, considered pervious, is located at the base of the deck. Less grading was done and a stone wall was erected along the southeast corner of the house and along the property

line. The wetlands were not infringed upon for this filing and MR recommends that the TCC issue a COC. Motion to approve, RC, second DB, so voted.

**4. 114 Bluegrass Circle, TLC Development, Inc., (COC), SE73-2541** Field report stated that this project was for the construction of a single family home with septic system, utilities, and associated grading, that fell within the 100 foot buffer zone of a BVW. All work has been completed in significant compliance to the order of conditions issued on 6-13-13. The existing deck is 10' x 18' (original was 6' x 8'), and an unfinished patio is located at the bottom of the stairs leading to the deck. MR recommends that the TCC issue a COC for this project. Motion to approve, RC, second NK, so voted.

**5. 223 Fremont Street, Teager/Fore Kicks, (COC), SE73-2519** Field report states that this filing was for the construction of an indoor/outdoor recreational facility with parking areas, utilities, and storm water management systems within the 100 foot buffer zone of a BVW. This also included filling 2,948 square feet of wetland and creating a 6,400 square foot replicated wetland to the east of the new playing fields. On my first site visit (July 31<sup>st</sup>), MR observed a great deal of the crushed rubber material along the north and east sides of the fencing and Rich Riccio of Field Engineering reported this information to the owner. MR returned to the site today where the company who had installed the fields was cleaning up the areas. Apparently this material was transferred to these areas when the fields were plowed during the winter. MR recommends that any snow storage/removal be in the west parking lot at the Fremont street end of the fields. There is to be NO snow storage within the 100 foot buffer zone of a BVW. All other areas are stable, including the areas that were cleaned up along the fence. This material is inert and will not harm the wetlands but it is considered fill. MR recommends that the TCC issue a COC with the additional condition that all snow storage be outside the 100 foot buffer zone and this condition to be in perpetuity. Rich Riccio present. He states the owner is aware of the issue that occurred and it will not happen again. The rubber is still settling and sometimes pieces come off, but they will make sure it does not occur again. Motion to approve with MR's condition as stated in the field report, RC, second DB, so voted.

**6. 1762 County Street, Hopgood/Claregood Homes Inc., (COC), SE73-2551** Field report states that this project was for the construction of a single family home with driveway, utilities, and associated grading within the 100 foot buffer zone of a BVW. All work has been completed in significant compliance to the order of conditions issued on 7-17-13. MR recommends that the TCC issue a COC for this project. Motion to approve, DB, second NK, so voted.

### **Public Meeting**

**1. Dean Street, MBTA/Palmgren, (RDA), DSE-1081** Field report states that this filing is for the proposed 350 feet of track construction and the replacement of the Dean Street highway grade crossing. The work will involve removing and replacing existing rails and ties. There will be minor excavation, installation of new sub ballast and ballast, and roadway paving and installation of sidewalks. Railroad signal conduits and equipment as well as roadway striping and signage will also be done. All work will occur within the existing pavement, rail ballast, and other developed areas. There will be no incursion into any wetland or riverbank. The work is considered redevelopment under 10.58 of the Act. Erosion and sedimentation controls will be enlisted during the construction so that no material contaminates the water of the Taunton River. The work as presented will not negatively impact the resource areas, therefore MR recommends that the TCC approve the project and issue a negative determination to include the attached special conditions. Motion to open, DB, second RC, so voted. Present for the MBTA Holly Palmgren and Kevin. ST asked if while they were out there, could they remove the trees, limbs, etc that have dammed up under the railroad trestle? Holly said they would be happy to remove the debris stuck there. ST asked when this would begin? Holly said it will go out to bid in September, break ground in November, and finished within a year. Motion to issue a negative determination with special conditions 1, 2, 3, 4, 5, 6, 14, 18, 19, and 20, RC, second NK, so voted. Motion to close, DB, second RC, so voted.

**2. 100 Country Way, Gracia, (RDA), DSE-1082** Field report states that this project is for a septic system repair at the above address and within the riverfront area of the Three Mile River. The work will fall within the outer riparian zone and involves pumping, crushing, and abandoning the existing septic tank and soil absorption system (SAS). The new septic tank will be located behind the deck while the new SAS will be further in the back just in front of the tree line. The area to be graded is along the north of the SAS and goes down to the fence. Grading will be 130 feet from the river, and no trees will be cut in the process. The project as presented should not negatively impact the river or riverfront, therefore MR recommends that the TCC approve the project and issue a negative determination to include the attached special conditions. Motion to open, DB, second MI, so voted. Motion to approve with conditions 1, 2, 3, 4, 18, 19, RC, second DB, so voted. Motion to close, DB, second MI, so voted.

**3. 60 Blake Street, Sousa, (RDA), DSE-1083** Field report states that this filing is for the proposed construction of a 16' x 32' in ground pool that falls within the 100 foot buffer zone of a BVW. The BVW is located at the northeast corner of the property and was delineated and approved in 2004 when the house was built. The yard is fenced in and follows the siltation barrier line. The wetland area is very distinct and is accurately depicted on the plan. The pool will be located on the south side of the property and will be 87 feet from the edge of the wetland. MR recommends that a new siltation barrier be established along the inside of the fence during construction. The project as presented should not negatively impact the wetlands, therefore MR recommends that the TCC approve

the project and issue a negative determination to include the attached special conditions. Motion to open, DB, second MI, so voted.

Robin Sousa and Howard Sousa the homeowners were present. RC the hay bale line is gone? No same one is still there. RC would like to see a new silt fence somewhere along contour 14 on the plan. Basically from the edge of the existing silt fence to the top of the plan and close out back at the deck. Motion to issue a negative determination with the new silt fence installed with conditions 1, 2, 3, 4, 14, 17, and 18, RC, second DB, so voted.

**4. 457 Winthrop Street, Ruffini, (RDA), DSE-1084** Field report states that this filing is for the installation of a 4 foot picket fence, gravel parking spaces, dumpster pad and fence, and associated grading in coordination with other work outside jurisdiction at the above address. This property falls within the Three Mile River ACEC and within NHESP Priority Habitat of Rare Species and Estimated Habitat of Rare Wildlife. The wetland was delineated by LEC Environmental on 9-21-13 and MR reviewed the line on Friday, August 1<sup>st</sup>. No numbers were visible on the flags so MR added numbers 1 through 8 from east to west. MR is in agreement with the placement of the flags. A siltation barrier is depicted at least 64 feet from the wetland and is designated as the limit of work.

Part of the gravel parking lot will come to within 76 feet of the BVW and grading will be within 86 feet of the wetland. The land within the buffer zone gently slopes towards the wetland at about a 3% grade. The work as proposed will not negatively impact the wetland, therefore MR recommends that the TCC approve the wetland line, 1-8, and issue a negative determination to include the attached special conditions. Motion to open, DB, second MI, so voted. Paul Patnaude was present. RC abandoned the cesspool?

Yes well it will be. RC move the dumpster behind the boulder? No other place it fits well, there is an access issue if behind the boulder. ST asked how long will the dumpster be there? It is permanent. This location is good for the trash truck to get to it. Motion to approve with conditions 1, 2, 3, 4, 17, 18, and 19, RC, second NK, so voted. Motion to close, DB, second RC, so voted.

**5. 7 Butler Avenue, Saxonis, (RDA), DSE-1085** Field report states that this project is for the replacement of a failed septic system at the above address and within the 100 foot buffer zone of a BVW. The BVW was delineated by Earth Services Corp. on 6-3-14.

MR visited the site on Friday, August 1<sup>st</sup> and is in agreement with the placement of the flags, FL1 to FL5. The existing septic system will be emptied, crushed and abandoned in accordance with 310 CMR 15.354. The new soil absorption system (SAS) will be located behind the duplex and will be an Advanced Enviro-Septic system consisting of ten 30 foot lines within a 528 square foot area. The tanks will be located behind each side of the duplex, at 18 feet from #6, and 12 feet from #7. A siltation barrier is depicted on the plan at a minimum of 53 feet from the BVW and will be the limit of work. Grading will be within 62 feet of FL1. The work as presented should not negatively impact the BVW, therefore MR recommends that the TCC approve the wetland line, flags FL1-

FL5, and issue a negative determination to include the attached special conditions. Paul Patnaude present. Motion to open, DB, second MI, so voted. Motion to issue a negative determination with conditions 1, 2, 4, 8, 14, 18, and 19, RC, second NK, so voted.

Motion to close, DB, second MI, so voted.

### Public Hearing

**1. Plain Street, COT/DPW, (NOI), SE73-2584** Field report states that this project is for the proposed rehabilitation of the existing pavement and installation of a new drainage system between #176 and 191 Plain Street. The purpose of this project is to reduce roadway flooding and icing along this stretch of Plain Street. Roadway edges are severely deteriorated due to the lack of a drainage system. The project will use road reclamation to regrade and resurface the area. Wetlands were delineated by Cathal O'Brien and were approved under SE73-2559 on 10-23-13. This area is not within NHESP Priority or Estimated Habitat. This project is considered a limited project under 310 CMR 10.53(3)(f) which covers "maintenance and improvement of existing public roadways, but limited to widening less than a single lane, adding shoulders, correcting substandard intersections, and improving inadequate drainage systems.". Straw wattles will be used for erosion control and are depicted on the plan. This will be considered the limit of work and will be inspected regularly, especially after significant rain events. The drainage system at #176 was recently constructed (approved under SE 73-2559) and which receives the majority of the storm water. The majority of the flooding and icing (in winter months) is near #191 Plain Street, where the water tends to pool. The pavement in this area is severely compromised. A closed drainage system will be constructed within the roadway, which will be supplied with four foot deep sump catch basins to collect and treat the runoff prior to discharge to the existing outfall at #176 Plain Street. This will involve temporary disturbance to the 100 foot buffer zone of the BVW which will be returned to its original state after construction. There will be no increase in impervious areas and all areas outside the work area will be protected from erosion by the straw wattles. MR recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. Angela Saunder present from BETA. Motion to open, DB, second RC, so voted. Motion to approve with conditions 1, 2, 3, 4, 5, 6, 7, 19, 21, 25, 26, and 27, RC, second NK, so voted.

**2. 8 Canney Drive, Buffington, (NOI), SE73-2585** Field report states that this filing is for the construction of an addition with garage underneath and driveway leading to the garage within the 100 foot buffer zone to an adjacent BVW. The wetland was flagged by Dr. Walter Hewitson on 6-18-14. MR reviewed the wetland line and is in agreement with the placement of the flags, #1 through #13. The proposed addition will be 15 feet from the wetland (between flags #3 and 4). The applicant was required to request a variance to front setbacks and this is the farthest they can be from the wetland and still meet the approved setback. There is a steep slope to the wetland area and a retaining wall was built in order for there to be a backyard. A siltation barrier, in addition to the existing wall, will prevent any sediment from reaching the BVW. The siltation barrier will be considered the limit of work. A washout area and dewatering area are depicted on the plan as far from the wetland as is feasible. The addition will have drywells for

roof runoff. The work as depicted will not negatively impact the wetlands or surrounding properties, therefore MR is recommending that the TCC approve the wetland line, flags #1 to #10, and #13, with #11 and #12 for reference purposes only, and approve this project and issue an order of conditions to include the attached special conditions. DB asked if its on a hill then goes to the wetlands,

above the wetlands? Yes pretty steep drop and yes above the wetlands. RC built on a slope? MR flat there. RC not sure its appropriate to approve it. Paul Patnaude present for the applicant. He says there is no other place to do the addition. RC nowhere in the bylaws does it say the TCC can decide when its ok to approve and not. ST says the TCC has done it in the past, just using TCC discretion. MI asked the retaining wall is permanent and never moving? Paul said yes. RC how tall is the wall? 3 to 4 feet. Paul says it does say the TCC has discretion when deciding on something like this and that's the key here. RC feels that the decision to be

made by a board in certain cases is not relevant in this case. LF asked has the TCC ever used their discretion when dealing with commercial properties? MR yes we have, should have been 100, we went to 0. MR is arguing point for homeowner vs. commercial.

She tires to be conservative but some people just done have the room. She understands where RC is coming from but you have to try to work with the homeowners. We don't want them to be afraid to come before TCC. Paul said there is the retaining wall and a tree line there that are never leaving. MI said if retaining wall wasn't there she wouldn't vote yes but the wall offers a little more protection. Motion to approve with conditions 1, 2, 3, 4, 5, 8, 9, 19, 21, 22, 25, 26, 27, and retaining wall and trees are not to be removed ever, MI, second DB, so voted. RC abstained.

**3. 630 John Hancock Road, Holverstott, (Anrad), SE73-2586** Field report states that this filing is for the approval of the delineation of two wetland resource areas at 630 John Hancock road. El Higgins, Weston & Sampson, delineated two BVWs at the above address and also assessed Lot 30-2, which did not have any wetlands associated with it. This work occurred on April 29 and May 1, 2014. MR reviewed the delineations on 7-30-14 accompanied by Mel Higgins. The two areas were delineated using pink

flags. **Wetland A:** flags WF1A to WF36A, is located in the southwest portion of the site behind the main warehouse. A stone headwall, located between two detention basins, channels the water flow through a culvert under the street and to an off site wetland that border the railroad tracks. This site is dominated by sweet pepperbush. While out in the field, flag 10A was moved 13 feet in to more accurately define the wetland at this particular point. **Wetland B:** flags WF1 to WF48, is located in the northwest portion of the property along John Hancock Road Extension. There is a gentle slope along the road leading down to the wetland with a steeper slope along the western edge by the parking lot. Sweet pepperbush and cinnamon fern dominate this wetland which connects, via a culvert, to a wetland on the other side of the road. MR recommends that the TCC approve this delineation and issue an ORAD to the applicant. Motion to open DB, second MI, so voted. Present Mel Higgins. Motion to approve wetlands delineation as shown, RC, second LF, so voted. NK abstained.

#### Other Business

**1. Dog Park Ideas & ATVs/Boyden.** Ethel Fraga came in to speak with TCC. She is concerned with Boyden and what can be done to bring it back to what it once was. It is being used and destroyed so people cannot go there to enjoy it anymore. Dog activity discourages the wildlife. Dogs are not always leashed and people are scared of being bit. She understands there isn't much money but it is such a loss to see what it has become. She said in Westport, MA there is personnel onsite-Audubon personnel and interns. MI said they did clean it up, everything was nice there and then the money was gone. It has such a great history but MI agrees it has become a dog park and has been destroyed. Ethel is frustrated it seems like TCC is saying sorry we can't help you and Friends of Boyden said their hands are tied. RC asked if we could speak with Mass Audubon but if we do deed it over to them then any money the city has been given would have to be paid back. Ethel asked about putting signs up. MR said signs are there, dogs should be on leashes and that will take time, Taunton does need a dog park. ST said lets send letters to Friends of Boyden and Mass Audubon.

Motion to send letters to both Friends of Boyden and Mass Audubon, meet with then advertise to the public and have an entire meeting to discuss this, DB, second MI, so voted.

Motion to adjourn, DB, second NK, so voted. Meeting ended at 8:40pm